

208. Wages, Employee Benefits, and Other Compensation for Apprentices.

(a) For Apprentices In All Occupations Except The Building And Construction Industry:

For apprentices participating in approved apprenticeship programs in all industries, except the building and construction industry, the beginning wage rate, employee benefits and other compensation, and the progression of those rates, shall be decided by the sponsoring program in consultation with and subject to the approval of the Chief DAS.

(b) For Apprentices In The Building And Construction Industry Employed On Public Works Projects:

For apprentices participating in approved apprenticeship programs in the building and construction industry, the wages and employer payments for employee benefits as defined in 8 C.C.R. §16000 for regular and overtime work while employed on public works projects within the meaning of Labor Code §1720 et seq. shall be the per diem wage rates for apprentices in the apprenticeable occupation as determined by the Director of Industrial Relations in the geographic area of the project.

(c) For Apprentices In The Building And Construction Industry Employed On Projects Not Covered By Subsection (b), Above:

The hourly wage package as used herein consists of the total of the wages and employer payments for employee benefits as defined in 8 C.C.R. §16000. For apprentices participating in approved apprenticeship programs in the building and construction industry, the minimum hourly wage package for apprentices while employed on projects not covered by Subsection (b) above shall be as set forth either in subsections (1)-(5) of this subsection or, in the alternative, as set forth in subsection (6) of this subsection:

(1) A starting hourly wage package for first- period apprentices of not less than ~~40~~35 percent of the prevailing per diem wage package for journeymen in the apprenticeable occupation and geographic area of the project, as determined by the Director of Industrial Relations for purposes of Labor Code §1720 et seq., using the rate effective on the immediately preceding March 1. At least 65 percent of this minimum hourly wage package must be paid to the apprentice as taxable wages;

(2) If there is no prevailing hourly wage package and wage package progression determined by the Director for journeymen for the apprenticeable occupation and geographic area, a starting wage rate decided by the sponsoring program in consultation with and subject to the approval of the Chief DAS based on consideration of the minimum starting hourly wage package and wage package progression for apprentices in the most analogous occupations and geographic areas;

(3) Where an employer elects to satisfy a portion of the hourly wage package by employer payments for employee benefits as defined in 8 C.C.R. §16000, the payment of such contributions must be verifiable and the cost of the benefit(s) must be reasonably related to the

amount of the contribution(s). The employer shall submit its books and records to an audit by the DAS staff, upon request, to verify such payments;

(4) Where an employer elects not to satisfy a portion of the apprentice's hourly wage package by employer payments for employee benefits as defined in 8 CCR §16000, the employer shall pay the entire hourly wage package to the apprentice on the apprentice's paycheck. Where an employer elects to satisfy a portion of the apprentice's hourly wage package by employer payments for employee benefits, the employer shall pay the remainder of the apprentice's hourly wage package to the apprentice in the apprentice's paycheck;

(5) The minimum hourly wage package shall increase for each successfully completed period of apprenticeship to a higher percentage of the prevailing per diem wage package for journeymen in the apprenticeable occupation and geographic area of the project. These periodic increases in percentage shall be equal (e.g., ~~40-35~~ percent, ~~50-43.75~~ percent, ~~60-52.5~~ percent, etc.) and shall be such that the minimum hourly wage package in the final period of apprenticeship is not less than ~~80-70~~ percent of the prevailing per diem wage package for journeymen in the apprenticeable occupation and geographic area of the project, as determined by the Director, using the rate effective on the immediately preceding March 1. At least 65 percent of this minimum hourly wage package must be paid to the apprentice as taxable wages;

(6) In the alternative, a contractor will be in compliance with this entire subsection (c) if the contractor provides the same total hourly wage package and wage package progression to apprentices employed on private projects as the contractor provides to apprentices employed on public works projects in the same geographic area, and that total hourly wage package is not less than the prevailing per diem apprentice wage package for the apprenticeable occupation and the geographic area of the project;

(7) Existing apprenticeship programs already approved by the DAS and the CAC which are not in compliance with any aspect of this Subsection (c) shall have until February 17, 2002, to come into full compliance;

(8) By the enactment of this regulation, it is not the CAC's intent to change the manner by which the Director of Industrial Relations currently determines the prevailing wage rate, and the provisions of this Subsection (c) shall not be used to determine the prevailing wage rate.

(9) After February 17, 2002, all contractors employing registered apprentices shall pay not less than the minimum wages required by this subsection (c).

(d) For All Apprentices

Nothing in this Section shall permit the payment of less than the minimum wage prescribed by the Federal Fair Labor Standards Act or any applicable State minimum wage order.